

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

| | | | |
|----------|-----------------------------------|------|--------------|
| Case No. | CV 17-2752 PA (KSx) | Date | June 7, 2018 |
| Title | Martin Vogel v. Corbin Court, LLC | | |

| | |
|------------------------|--|
| Present: The Honorable | PERCY ANDERSON, UNITED STATES DISTRICT JUDGE |
|------------------------|--|

Kamilla Sali-Suleyman

Not Reported

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

None

None

Proceedings: IN CHAMBERS - ORDER TO SHOW CAUSE

On February 14, 2018, the Court issued a minute order setting new deadlines for the filing of pretrial documents, and on February 15, 2018, the Court issued an Amended Civil Trial Scheduling Order ("Scheduling Order"), which established the requirements for the parties' pretrial documents. (Docket Nos. 44 and 43, respectively.) Those orders required that the pretrial documents be filed no later than June 1, 2018. Despite the passage of this deadline, the parties have failed to file all of the required documents or to fully comply with the requirements of the Court's Scheduling Order, the Local Rules, or the Federal Rules of Civil Procedure concerning the preparation and filing of pretrial documents.

The Scheduling Order specifically warned the parties that "the failure . . . to submit the required pretrial documents may result in the dismissal of the action, striking the answer and entering a default, and/or the imposition of sanctions." (Docket No. 43 at 10.) Here, despite the Scheduling Order's requirements, Defendant Corbin Court LLC ("Defendant") has not filed a Memorandum of Contentions of Fact and Law. (See L.R. 16-4; Docket No. 43 at 11.)

Additionally, contrary to the Scheduling Order and the Local Rules, many documents have not been filed jointly. Only the Joint Status Report re: Settlement (Docket No. 58) and Proposed Joint Jury Instructions (Docket No. 54) are signed by counsel for both parties. Various other documents were submitted by plaintiff Martin Vogel ("Plaintiff"). (Docket Nos. 53, 55-57, 59.) Plaintiff has filed a declaration stating that Defendant's counsel did not timely provide his contributions to all but two documents, the Final Pretrial Conference Order and the Joint Status Report re: Settlement. (Docket No. 60.) Defendant subsequently filed its own versions of the Joint Exhibit List and Pretrial Exhibit Stipulation, which incorporate Plaintiff's portions of those documents but which are not signed by counsel for either party. (Docket Nos. 62, 63.) Defendant also filed a witness list that is not signed by Defendant's counsel. (Docket No. 64.) Defendant's witness list purports to, but does not, include the Joint Trial Witness Form required by the Scheduling Order. (See Docket No. 43 at 12.)

Furthermore, the time estimate for trial in this matter is unclear. The parties have not submitted a complete Joint Trial Witness Estimate Form. Plaintiff has submitted a form that includes only his own witnesses. (Docket No. 57 at 4.) The Final Pretrial Conference Order states that "trial is estimated to

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

| | | | |
|----------|-----------------------------------|------|--------------|
| Case No. | CV 17-2752 PA (KSx) | Date | June 7, 2018 |
| Title | Martin Vogel v. Corbin Court, LLC | | |

take two (2) days.” (Docket No. 55-1 at 2.) However, Defendant’s witness list, which includes the witnesses that Plaintiff intends to call as well as Defendant’s own witnesses, estimates a total of 20.5 hours of testimony, despite failing to include an estimate for any witness’s cross-examination. (See Docket No. 64.) Even so, the estimates in the Final Pretrial Conference Order and Defendant’s witness list are far in excess of the amount of time the parties will have to present their cases.

Accordingly, the Court orders counsel for both parties to show cause, in writing, on or before June 12, 2018, why they should not be sanctioned in an amount of up to \$1,000.00 for failing to timely file all required pretrial documents in the required format. Failure to timely or adequately respond to this Order to Show Cause may result in the imposition of a \$1,000 sanction.

In addition to the filing of a response to the Court’s Order to Show Cause, the Court orders the parties to meet and confer and then jointly file a new Final Pretrial Conference Order, Joint Exhibit List, Pretrial Exhibit Stipulation, Joint Trial Witness Estimate Form, and Jury Verdict Form as required by the Local Rules, the Court’s Scheduling Order, and the Federal Rules of Civil Procedure. Additionally, Defendant shall file a Memorandum of Contentions of Fact and Law. All documents shall be filed on or before June 12, 2018. Failure to file these pretrial documents by that date in the format required by the Scheduling Order, the Local Rules, and the Federal Rules of Civil Procedure may result in the imposition of additional sanctions, including monetary sanctions, the dismissal of Plaintiff’s claims for failure to prosecute, and the striking of Defendant’s Answer without further warning.

IT IS SO ORDERED.